REMARKS

I. INTRODUCTION

In response to the Office Action dated March 31, 2005, subsequent to an Amendment under 37 C.F.R. §1.116 submitted May 31, 2005, subsequent to an Advisory Action dated July 25, 2005, and in conjunction with a Request for Continued Examination (RCE) submitted herewith, claims 1, 3, 6, 8, 11 and 13 have been amended. Claims 1-15 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION

Claims 1-15 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims (1, 5, 7-8) of co-pending Application No. 09/939,813.

Applicants' attorney notes the provisional nature of this rejection, and will substantively address these rejections upon an indication of otherwise allowable claims.

III. PRIOR ART REJECTIONS

A. The Office Action Rejections

On page (6) of the Office Action, claims 1-15 were rejected under 35 U.S.C. §102(a) as being anticipated by Sheard et al., U.S. Patent No. 6,208,345 (Sheard).

Applicants' attorney respectfully traverses these rejections.

B. The Applicants' Independent Claims

Independent claims 1, 6 and 11 are generally directed to developing multi-tier business applications. The computer-implemented system of claim 1 is representative, and comprises an Integrated Development Environment (IDE), executed by a computer, for creating and maintaining a multi-tier business application on a multiple tier computer network, wherein the IDE includes a Topological Multi-Tier Business Application Composer that is used by a developer to graphically create and maintain the multi-tier business application, a Meta-model that captures and persistently stores information entered via the Composer, and an Interactive Agent that monitors the Meta-model for an occurrence of an event that comprises a possible non-optimization in a portion of the multi-tier business application based upon an heuristic analysis of information gathered by the Composer and stored within the Meta-model, whereupon the Interactive Agent triggers a display of

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a graphical element in the Composer to interact with the developer, and the graphical element includes context information comprising a list of suggested and recommended actions.

C.   The Sheard Reference

Sheard discloses a visual data integration system architecture and methodology. The system architecture includes a transport framework that represents a technology-independent integration mechanism that facilitates the exchange of technology-dependent data between disparate applications. A visual interface facilitates the design, deployment, and runtime monitoring of an integrated information system implementation. An integrated information system is developed visually through use of the visual interface by dragging and dropping components within a canvas area of the interface. The components are graphical representations of various telecommunications hardware and software elements, such as information stores, processors, input/output devices and the like. Various components may be packaged together as business extension modules that provide specific business integration capabilities. Interconnections between components are graphically established using a mouse to define sources and destinations of specified data. An underlying configuration/runtime information framework operating above and in concert with the transport framework effectively transforms the graphical interconnections into logical or physical interconnections, which results in the contemporaneous generation of an integrated runtime system. Format neutral data meta-models are employed to model the input and output data requirements of disparate systems and system components so as to remove any cross-dependencies that exist between the systems and technologies implicated in a data integration project. The visual interface enables runtime control and analysis of the business information and system aspects of an integrated system implementation. Visual views onto the live deployment provide consistent management and control for system integrators, business integrators, system managers, and business managers using a single visual interface.

D.   The Applicants' Invention is Patentable Over the Reference

The Applicants' invention, as recited in independent claims 1, 6 and 11, is patentable over the reference, because it contains limitations not taught by the reference.

Specifically, Sheard does not teach or suggest the specific combination of limitations found in the independent claims, including the limitations "an Interactive Agent that monitors the Meta-model for an occurrence of an event that comprises a possible non-optimization in a portion of the

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multi-tier business application based upon an heuristic analysis of information gathered by the Composer and stored within the Meta-model, whereupon the Interactive Agent triggers a display of a graphical element in the Composer to interact with the developer, and the graphical element includes context information comprising a list of suggested and recommended actions."

The Office Action, on the other hand, asserts the these limitations are shown in Sheard in FIG. 22 and associated text, and specifically, col. 26, lines 29-48. These portions of Sheard are reproduced below:
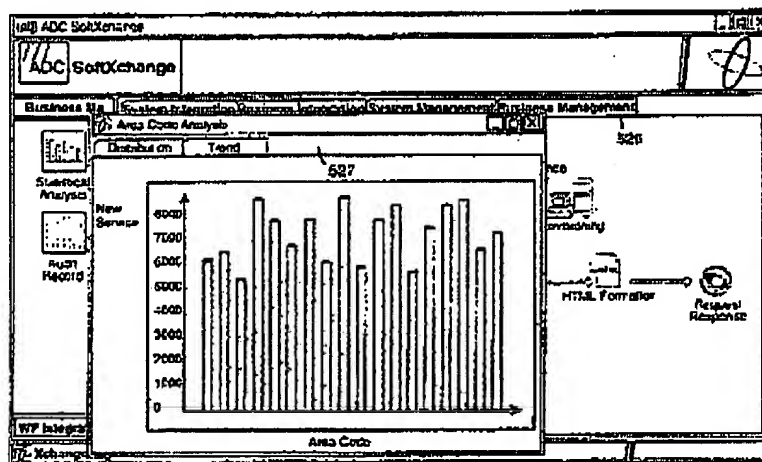
Sheard: FIG. 22

Fig. 22

Sheard: Col. 26, lines 39-48
When the visual interface 501 is in the Business Management view mode, double clicking on a statistical analysis adapter will create the charting application in a separate thread. A configuration form is popped up requesting the user for a display period, attribute name, and value list. When the "OK" button in the configuration form is pressed, the configuration form disappears and the chart window pops up. The menu selections for the business related charts, as is shown in menu 527 of FIG. 22, include Trend and Distribution. The default chart is Trend.

The above portions of Sheard do not teach or suggest monitoring a Meta-model for an occurrence of an event that comprises a possible non-optimization in a portion of the multi-tier business application based upon an heuristic analysis of information gathered by the Composer and stored within the Meta-model, and then triggering a display of a graphical element in the Composer to interact with the developer, wherein the graphical element includes context information comprising a list of suggested and recommended actions.

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Instead, the above portions of Sheard merely refer to a visual interface that allow a user to create a charting application for business-related charts. However, the charting application is manually initiated, and there is no suggestion of the functions recited in Applicants' claims. Certainly, the user merely clicking on a statistical analysis adapter to create the charting application does not teach or suggest Applicants' claims.

Thus, Sheard does not anticipate or render obvious Applicants' claimed invention. Moreover, the various elements of Applicants' claimed invention together provide operational advantages over Sheard. In addition, Applicants' invention solves problems not recognized by Sheard.

Applicants' attorney submits that independent claims 1, 6, and 11 are allowable over Sheard. Further, dependent claims 2-5, 7-10, and 12-15 are submitted to be allowable over Sheard in the same manner, because they are dependent on independent claims 1, 6, and 11, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-5, 7-10, and 12-15 recite additional novel elements not shown by Sheard.
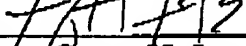
IV. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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